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UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. no. 10/064,744

Attorney docket no. MLCO.P001

Conf. no. 6609

Filed: August 12, 2002

Petition under 37 CFR section 1.47 relating to inventor Jones

The undersigned hereby petitions under 37 CFR section 1.47 relating to inventor Jones.

The above-referenced application names several inventors. Enclosed with these papers are Inventors' Declarations signed by most of the inventors.

The enclosed Form PTO-2038 includes the amount of \$130, thus paying the petition fee under 37 CFR section 1.17(h). Any deficiency in fees may be charged to our deposit account 15-0610.

Also enclosed please find a **Declaration relating to Emerson P. Jones**. The Declaration is signed by Patrick Romain, First Vice President, Senior Counsel, Corporate Law in the Office of General Counsel of Merrill Lynch & Co., Inc. ("Merrill Lynch"). It is noted that most of the inventors have assigned their interest in the above-referenced patent application to Merrill Lynch.

The enclosed **Declaration relating to Emerson P. Jones** indicates that Mr. Jones refuses to sign an inventor's Declaration relating to the above-referenced patent application. It indicates the pertinent facts, including that a complete set of the application papers was provided to Mr. Jones, including the patent specification, claims, and drawings, and including an inventor's Declaration. It also indicates the last known address of Mr. Jones.

It is requested that the Petition be granted and that the application be forwarded to the Examiner for Examination. It is further earnestly requested that this Petition be taken up expeditiously because this application has a corresponding PCT application number PCT/US02/25667 for which the United States Patent Office is the International Searching Authority. If this Petition can be promptly granted, the Examiner will be better able to consider this application and the PCT application at the same time. On the other hand, if there were undue delay in taking up and granting this Petition, such delay would greatly work to the disadvantage of the Examiner handling the applications, forcing the Examiner to duplicate efforts at a later time.

Respectfully submitted,

Carl Oppedahl
Oppedahl & Larson LLP
P O Box 5068
Dillon, CO 80435
telephone 970 468 6600

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- ✓ Application #10/064,744 - filed on August 12, 2002
Application #10/064,746 - filed on August 12, 2002
Application #10/217,875 - filed on August 12, 2002
Application #PCT/US02/25667 - filed on August 12, 2002 - designating the United States
Application #PCT/US02/25697 - filed on August 12, 2002 - designating the United States
Application #10/064,745 - filed on August 12, 2002
Application #10/218,124 - filed on August 12, 2002
Application #PCT/US02/25668 - filed on August 12, 2002 - designating the United States
Application #PCT/US02/25923 - filed on August 12, 2002 - designating the United States

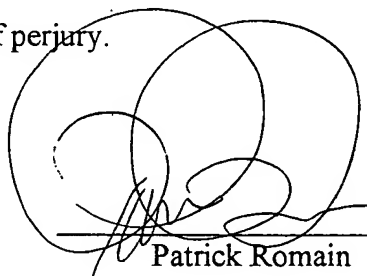
Declaration relating to Emerson P. Jones

I, Patrick Romain, declare as follows: I am First Vice President, Senior Counsel, Corporate Law in the Office of General Counsel of Merrill Lynch & Co., Inc.

I have personal knowledge of the following facts:

- a. Mr. Emerson P. Jones left the employ of Merrill Lynch on about February 6, 2002. I know that he is now employed by Goldman Sachs & Co.
- b. On about January 10, 2003 I presented Mr. Jones with a full set of the application papers, namely the specification, claims, and drawings, as well as an inventor's Declaration for signature, for each of the application numbers listed above. I did this by hand delivery to him at his last known address which is Goldman Sachs & Co., One New York Plaza, 49th Floor, New York, NY 10004. The reason why I know these papers were delivered is a tracking notification from the delivery company, a copy of which is attached. Also attached is a copy of a cover letter dated January 10, 2003 which was enclosed with these papers.
- c. Mr. Jones has not responded to my January 10, 2003 letter, and I construe this as a refusal to sign.

I make these statements under penalty of perjury.


Patrick Romain

1/27/2003
date

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